IX

1947-49

File No. 6717/36(1)

P. W. DEPARTMENT

E. BRANCH (II)

B CLASS

Subject:— Appointments.

Spl. officer for P.W.R.

Scheme

Establishment for —

B[K] 1949

(31

Pt. IX

File No. 6717/36(1) E.B. II

Std. Scott. Slip 24-A

Std. Secit. 78A e.

G R., G D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 6717/36(1)

P.W. DEPT.

E. BRANCH. (4)

References :—

Date.	To whom sent.	Notes and instructions.

LETTER.

From

E.P.Little, I.S.E.,
Superintending Engineer, S.C.

The Secretary to Government,
Public Works Department,
BOMBAY.

No. G-49. Public Works Deptt.
Belgaum, 28th Octr. 1947.

Subject:- Pay scale for a Assistant Store-Keeper

Reference: G.I. No. 7191/36-E(II), dated the 2nd September 1947.

According to the orders contained in the G.I. referred to above, the pay of all the Assistant Store-Keepers (except those already holding permanent posts on a substantive basis, is required to be revixed and regulated in the ~~/~~ scale of Rs. 25~~/~~5~~/~~2~~/~~65.

2. In this Circle there are at present two posts of Assitant Store-Keepers on the Temporary Establishment One in the Divisional Office, Belgaum and the other in the Divisional Office, Bijapur sanctioned in G.I. No. P- 190/4/40435-E(II), dated the 15th October 1946. and G.I.No. 7885/35/E(II), dated the 22nd July 1946 respectively. A higher starting pay of Rs. 40/-P.M. in the scale of Rs. 25~~/~~5~~/~~2~~/~~65 has been sanctioned by Government in the case of Assistant Store-Keeper in the Bijapur Division. According a Temporary Clerk on a monthly pay of Rs. 40/- was appointed to the post of Temporary Assistant Store-Keeper in the Divisional Office Bijapur, on the same pay of Rs. 40/-P.M. in the scale of Rs. 25~~/~~5/2~~/~~65, but his pay is required to be refixed at Rs. 30/-P.M. as per the G.I. under reference.

2. The scale of pay of a last grade clerk and that of Assistant Store-Keeper is the same but the work expected ---

~~expected x Assistant x Store-Keeper~~
expected of an Assistant Store-Keeper is of more responsible nature than that of a clerk in the last grade. Temporary and Officiating Clerks in the last grade can be ~~higher can be~~ granted a higher starting pay upto Rs. 50/-P.M. as per G.R. No. 6717/36, dated the 17th July 1944, and G.L.No. 6717/36/E-(II), dated the 28th June 1945, but this concession has not been made applicable to the Temporary Assistant Store-Keepers with the result that it has not been possible to secure suitable persons for the posts.

3. In the above circumstances it is requested that Government may, in your concurance, ~~kx~~ kindly be moved to authorise Superintending Engineers to grant higher starting pay upto Rs. 50/-P.M. to Temporary Assistant Store-Keepers as has been allowed in the case of last grade clerks.

4. The monthly pay of Rs. 40/-P.M. sanctioned to the temporary Assistant Store-Keeper in the Divisional Office, Bijapur has been allowed to continue, pending the Government orders in matter.

Id/-
Superintending Engineer, S.C.

6717/36(1)
46413

E.B.(II). P.W.D.

2. Submitted.

2. The proposal made by the S.E.,S.C., is that the S.Es. may be authorised to grant higher starting pay upto Rs. 50/-p.m. to temporary Assistant Store-Keepers. The proposal is based on the following grounds viz.-

(i) that the scale of pay of last grade clerks and that of Asstt. x Store-keepers is identical, though the ---

the work expected of the latter is of a more responsible nature than that of the forexver .

(ii) that the S.Es. have been authorised to grant to the last grade clerks on the temporary and workcharged establishmentsx a higher starting pay up to Rs. 50/- p.m. under the orders contained in para. 4 of G.R. NO. 6717/36, dated the 17th July 1944 and amplified by G.L.No. 6717/36/E(II), dated the 28th June 1945.

(iii) that in the absence of similar authority in the case of Asstt. Store-keepers on the temporary establishment it has not been possible to secure suitable persons to fill in those posts.

3. In the general revision of pay scales, considerable improvement has been proposed in the scale of pay of the lowest clerical grade (mofussil) in this Department. The orders regarding the general revision of pay scales are expected to be issued shortly by Government in the F.D. The improved scales will probably take effect retrospectively from the 1/1/47 and the scale that may be sanctioned for the lowest grade x clerks will be applicable to the Asstt. Store-keepers also. In the circs., it is feared that the F.D. may not agree to any extension of powers conferred on the S.Es. in the matter of granting higher starting pay. The proposal made by the S.E. may be negatived., if approved.

4. The appointment of a teporary Asstt. Store-keeper on a higher starting paym not exceeding Rs. 40 was sanctioned in July 1946 for the Bijapur Dn. for the duration of the scarcity works only. But on the closure of these works, the Sub-dn. formed for the pur-

purpose---

purpose was converted into Badami Village W.S., Sub-dn. and certain staff reqd. for the latter and the Divl. office including the post of the tempy. Assistant Store-keeper mentioned above has been sanc - tioned upto 29/2/48, in G.L.No. 7885/36/E(I), dated the 17/1/47.

5. A temporary clerk on a monthly pay of Rs. 40/- p.m. has been appointed by the S.E. to this post of Asstt. Store-keeper against the sanction accorded in July 1946. The post has been continued as per sanction accorded in the G.I. of the 17/1/47, on the same rate of pay as that allowed during the period of scarcity works viz. Rs. 40/-p.m. The grant of this higher rate of pay after the closure of the scarcity works requires the approval of Government which may be accorded after U.O.R. to the F.D. as the clerk appointed to the post was getting that rate of pay before.

Id/- 14/1/48.

Re: para 5, yes.

Re: para 3, instead of negativing the S.E's request we may inform that he should await Government orders regarding revision of payscales and renew his proposal if he still considers it necessary.

Id/-
14/1/48.

S.E. should await the revise pay scales now.

Id/-
14/1

Secy.(1)

U.O. to F.D. dated the 15/1/48.

Fiance Department.

Seen and returned to the P.W.D.

Id/- 16/1/48.

Id/- 17/1

U.O. R. to the P.W.D. dated the 17/1/48.

P.K.M.

Letter.

No. 6717/36(1)-E(II). 6717/36(1)/3069.
P.W.Deptt.
B.C. 2nd Feby. 1948.

To

The Superintending Engineer,
Southern Circle,

Subject:- Pay scale for Asstt. Store-keepers.

Reference:-Your letter No. G-49, dated the 28th October 1947.

2. The orders regarding the general revision of scales of pay have since been issued in Government Resolution, F.D., No. 6567/33/I, dt. the 15/1/48. The proposal contained in para 4 of your letter quoted above should be renewed only, if by experience it is found impossible to secure suitable persons for Asstt. Store keepers' posts on the minimum of the revised scale of pay.

3. The appointment of a temporary Asstt. Sotre-keeper on a higher starting pay not exceeding Rs. 40/- p.m. was sanctioned in July 1946, for the office of the Ex.Eng., Bijapur Division, for the duration of the scarcity works only. The post has been continued after the closure of these works under the sanction accorded in G.I. No. 7885/36/E(I), dated the 17th January 1947. Your action, however, in continuing the grant of a higher starting pay of Rs. 40/-p.m. to the incumbent of the post after the closure of the scarcity works requires the approval of Government, which is hereby accorded.

D.A.-Nil.

By order of the Governor of Bombay,

Copy forwarded to:-

The F.D.

The S.E. E.C.

The ---

The A.G., Bombay (through the F.D.)

The Ex.Engr., Bijapur Division.

Id/-
30/1/48.

Id/-
30/1/48.

To

The Chief Engineer & Secretary to Government,
Public Works Department, Bombay.

Subject:- Fixation of pay and seniority amoungst D.C.E.overseers.

Reference:- S.E.C.C.Poona's No. G-40/4536 dated 23/7/1946.

Sir,

I beg to represent the following few facts with a fervant hope that these will meet with your kind and sympathetic consideration.

I was appointed as a permanent overseer on Rs. 70/ P.M. on 1/5/1943 in the old scale of 50/4/90 etc. Owing to revision of pay scale as introduced in G.R.P. W.D. No. 6717/36 dated 17/7/1944 to 70/5/110 etc., my seniority has been adversely affected owing to the regulation of my pay under B.C.S.Rules 41 (a) (ii) and 44(a). I was not even granted the choice of exercising option under rule 44(a). When I became aware of this fact in July 1945, I applied both to the Executive Engineer, Sholapur and the Superintending Engineer, C.C.Poona, to consider my case and given me my seniority, but unfortunately they replied in the negative saying nothing can be done in the matter.

I am, however, give below concrete examples of persons junior to me till the introduction of the G.R. referred to above, but got advantage over me in point of seniority, according to the G.R. due to the peculiar circumstance of my case.

Name.

Name.	Date of appointment on Rs. 70/-	Date of getting Rs.75/-
1. Mr.P.D.Daflapurkar.(applicant)	1/5/1943.	1/5/1945.
2. Mr.L.R.Bhagwat.	1/10/1943	1/10/1944.
3. Mr.S.B.Bhalerao.	1/3/1944.	1/3/1945

A reference to the seniority list of 1943 and subsequent ones, will prove this. It will be clear from the details quoted above that the overseers who were drawing Rs. 70/- after I did, and were junior to me on 1/5/43 in the old scale of pay (Rs. 55/4/90 etc) became senior to me for no fault of mine.

My humble request therefore is to remove the anomaly and fix my pay under B.C.S. Rules 4(a) (i) at Rs.80/- on 1/5/1949. as a special case, or even if this not possible, according to the existing rules, to give me my old seniority considering the facts as stated above, lest this would be a recurring loss to me throughout the whole of my service in point of pay and promotions. If necessary, my case may please be referred to the Accountant General, Bombay and the Finance Department to redress the grievance.

Copies of my previous applications are enclosed for favour of ready reference.

Your obedient servant,
Sd/-
Overseer, P.W.D.
Pandharpur Sub-Division.
14/11/46.

Respectfully submitted through:-

The Deputy Engineer, Pandharpur Sub-Division,

The Executive Engineer, Sholapur Division,

The Superintending Engineer, Central Circle, Poona.

No. 3201
Page five Pandhr
14th Novr.1946.

Forwarded --

Forwarded W.C. for favour of further disposal.

Sd/-
14/11/46.
Dy. Engineer
Pandharpur ~~Palampur~~ Sub-Dn.

.....

No. 9424 of 1946.
Sholapur, 22nd November 1946.

Forwarddd w.cs. to the Superintending Engineer, C.C.Poona for favour further disposal with reference to his No. G-40/4636 dated the 23/7/46.

2. It is not understood how the overseer would have been ~~beenfitted~~ benefitted if he had been allowed to exercise the ~~opinion~~ option of rule 44(a) of the B.C.S.Rules Vol.I as new complained by him. The overseer in the old scale of ~~50/4/90/4/130/5/150~~ 50-4-90-4-130-5-150 would have drawn Rs. 90/- on 1/5/48 when he would have come in the revised scale of ~~70/5/110/10/180/10/250~~ 70/5/110/10/180/10/250. Messrs. Bhagwat and Bhalerao overseers wouldget Rs. 90/- in the new scale of 70/5/110 etc. on the 1/10/47 and 1/3/48 respectively. Thus he would not have been benefited in any way from point of seniority.

3. Since the overseer loses his old seniority due to the peculiar circumstances it is recommended this may be allowed to be maintained as a special case.

Id/-
Executive Engineer,
Sholapur Division.

Below endorsement No. 9424 dated 22/11/46 from the Executive Engineer, Sholapur Division regarding the fixation of the pay of Mr. P.D. daflapurkar, Overseer, in the revised pay scale as requested in the Overseer's representation dated 14th November 1946.

.....

No. H.

No.G.40/1625 of 1947.
Public Works Department,
Poona, 8th March 1947.

Passed on with compliments.

2. Mr. Daflapurkar, overseer, on the Permanent Establishment was on deputation to Bijapur when the orders regarding the revision of the pay scales of the subodinate service of Engineers, issued in Govt. Resolution, P.W.D.No. 6717/36 dated 17/7/44, were received. The Overseer reverted to the P.W.D. in October 1944 and he was drawing pay at the rate of Rs. 74/-P.M. in the old scale, viz. Rs. 54/4/90, with effect from 1st May 1944, The Executive Engineer, Sholapur Division, under whom the overseer was posted on reversion, submitted proposals for the revision of his pay in the new scale and accordingly, the pay was refixed as Rs. 70 plus 4 P.P. with effect from 1/7/44. Mr. Daflapurkar was, however, allowed to draw the next increment in the scale thereby raising his pay to Rs. 75/-P.M. with effect from 1/5/45, instead of with effect from 1/7/45, vide rule 41(a) (ii) of the Bombay Civil Services Rules Manual Volume I.

3. The overseer now states that he should be allowed to remain on the old scale of pay of Rs. 54/4/90 until 1/5/48, and then he should be brought on the revised scale, as he would thereby be benefited as shwon in the margin). This request seems to be unreasonable---

Date of increment.	Pay in the old scale.	Pay in the new scale.
1/5/44	74	70 plus 4P.P.
1/5/45	78	75
1/5/46	82	80
1/5/47	86	85
1/4/48	90	90

unreasonable and to grant it may give rise to similar complaints from many other Overseers. The revised pay scale for the S.S.E. came into force with effect from 1/7/44 and the Government orders in question do not give any option in this respect. The request of Mr. Daflapurkar was not, therefore, entertained and he was informed by my predecessor accordingly.

4. The Overseer's second grievance, viz. that he was not given an option of remaining in the old scale of the S.S.E., does not stand, in view of the facts mentioned above.

5. As seniority is normally based on the general principles laid down by Government, such principles should not, it is considered, be relaxed, in the case of an individual. Moreover, Messrs. L.R. Bhagwat and S.B. Bhalerao, Overseers, are already senior to Mr. Daflapurkar, as will be seen from the seniority list of Overseers, they having been promoted to the cadre on 1/10/41 and 1/3/43 respectively. Messrs. Bhagwat and Bhalerao would still stand senior to Mr. Daflapurkar even if he were to be allowed to remain in the old pay scale of the S.S.E. till he reaches a pay level of Rs. 90/- P.M. as Messrs. Bhagwat and Bhalerao will receive Rs. 90 P.M. on 1/10/47 and 1/3/48 respectively, i.e. prior to Mr. Daflapurkar who will receive Rs. 90/- P.M. on 1/5/48.

6. Since the points raised by Mr. Daflapurkar, Overseers are not covered by any specific rules, it is for the consideration of Government as to the decision to be arrived at in the case, as the Overseer has approached Government with a request to treat his circumstan-

circumstances---

circumstances as being special ones.

Id/-
6/3
Superintending Engineer,
Central Circle.

6717/36(I)
11566
P.W.D.

E.B.(II).

The S.E.,C.C., has forwarded a petition from Mr. P.D.Daflapurkar, permanent Overseer in the Sholapur Division., requesting that his pay and seniority which have been adversely affected as a result of the revised pay-scale ~~x~~ sanctioned in G.R.No. 6717/36, dated the 17/7/44, should be refixed. When the revised scale was sanctioned, Mr. Daflapurkar was getting a pay of Rs. 74/- in the old pay-scale of Rs. 50/4/90/E.B.-4/130/E.B.-5/150. This was fixed at ~~Rsxx20/xRsx20xRsxtxxxxPPx~~ Rs. 70 + Rs. 4 P.P. in the revised scale of Rs. 70/5/110/E.B.-10/180/E.B.-10/250. The next increment, which he got on 1/5/45, raised his pay to Rs. 75/- the personal pay being merged in the increment.

2. Mr. Daflapurkar's contentions are:-

(a) that as he has ~~x~~ suffered financially as a result of the revised scale (vide statement I below), he should be allowed to draw a pay of Rs. 80/- on 1/5/45, as a special case;

(b) that he was not granted the option of continuing in the old scale, which B.S.R.44(a) gives;

(c) that his old seniority which has been disturbed as a result of the revision (vide statement II below should be ~~x~~ restored.

Statement I --

Statement I

Date	Pay in the old scale.	Pay in the new scale.
1/5/44	74	70 + 4 P.P.
1/5/45	78	75
1/5/46	82	80
1/5/47	86	85
1/5/48	90	90

Statement II

Name	Dt.of drawing Rs.70/-	Pay on revision in July 1944.	Dt.of drawing Rs. 75/-
1.Mr.P.D. Daflapurkar	1/5/43	70+4P.P.	1/5/1945.
2.Mr.L.R. Bhagwat	1/10/43	70	1/10/44
3.Mr.S.B. Bhalerao	1/3/44	70	1/3/45.

As regards contentions (a) and (b) above, it will be seen from statement I that Mr. Daflapurkar does suffer financially in the initial stages. It was, however, open to him to continue in the old scale until his next or any subsequent increment or until he ceased to draw pay on that timescale, provided he had exercised the option at the time the pay was changed. The G.R. has made this clear by providing that revision shall be made in accordance with B.C.S.R. 44(a), which gives the holder of a post such option. The S.E.C.'s statement that the G.R. provided for no such option is not, therefore, correct. The option, however, must be exercised at the time the pay is changed and the option once exercised is final. Mr. Daflapurkar could have gained slightly by choosing to remain on the old scale until his next increment, in which case he would have drawn Rs. 78/- on 1/5/45, instead of Rs. 75/-. It was, however, for him to intimate his decisi-

decision to exercise the option in the beginning and since he did not do so and allowed his pay to be fixed in the revised scale, it is not now open to him to complain. These two contentions, therefore, do not stand.

4. As regards contention (c), it will be seen from statement II that Mr. Daflapurkar's seniority has been adversely affected, and that two persons, Messrs. L.R. Bhagwat and S.B.Bhalerao, who were junior to him have gained seniority over him as result of the revision. The S.E.,C.C., has stated that Mr. Daflapurkar has not suffered in this respect, since Messrs. Bhagwat and Bhalerao are in fact senior to him, they having been promoted to the cadre earlier. The fact is that Mr. Daflapurkar was, actually senior to M/S Bhagwat and Bhalerao just prior to the revision and that this seniority was reversed following the revision. This is not the only case affected in this manner. There have been some other representations and the whole question re: refixing seniority of Overseers in general is already under consideration. This question need not, therefore, be considered here

5. In the circumstances, explained above, it is for consideration whether Mr. Daflapurkar may be informed.

(i) that his request for refixing his pay cannot be granted, and

(ii) that the general question of refixing of seniority desturbed as a result of the revision of pay-scale is under the consideration of Government.

Id/-
31/7/47

See --

See P: 11. The O/S say he was not given the option what about this pt?

2. Another point that strikes me as incongruous is that as the date of drawing increments remain the same as old, the senior man will always suffer. The rules should be that the man whose pay in the new scale is fixed at a stepx below should draw the next increment on his old one date while the others on xkx the basis of the dates of refixation of pays.

For example, referring to A at page 28 item (1) should draw his increment (raising his pay to Rs.75) on 1/5/45 and items (2) and (3) on 1/8/45. Thus both parties will suffer, by a potential loss of one ~~xx~~ increment and (2) and (3) by the increment being ~~xxx~~ granted after more than 12 months. But the method will keep the seniorities intact.

These should be considered and may be adopted while fixing seniorities. It will authmatically regulate the pays and seniorities both.

Id/-
2/8/47.

E.B.(II).

Resubmitted.

2. The Overseer's conteution is that he was not specifically ~~cially~~ asked to exercise the option, although the rule (viz B.C.S.R.44) allowing the option, was quoted in the G.R. sanctioning the revised pay ~~s~~aale. It was for ~~him~~ him to exercise the option, although he was not specifically asked by his superior offices to do so. In any case, his request, that his pay should be fixed at Rs. 80/- on 1/5/45, is inadmissible, since his pay would have been only Rs. 78/- on that date, even if he had ---

had exercised the option.

3. As regards para 2 of Dy. Secy's note, the F.D. may be consulted in this matter, as the proposal is of a general name and affects all services. The F.D. may also see with reference to this question of option refd. to above.

Id/-
4/8/47.

We cannot swaar that the G.R. reached the overseer; also the O/S donot usually possess B.C.'s R. and similar books. The case, therefore, does not merit dismissed merely on these grounds.

2. Even otherwise a spacific case does not matters the main thing is how to remedy in ganeral the discrepancy now come to light.

Would F.D. please consider my suggestion and state whether this would be acceptable for general application or could they suggest an alternative? The working of existing rules appears to be seriously faulty and must, in my opinion, he remedied as best as possible.

Id/- 5/8/47.

Finance Deptt.(B)

Under G.R.P.W.D. No. 6717/36 dated 17th July 1944, pay scale for the Subordinate Service of Engineers (Permanent Overseers and Surveyors) were revised from -

(i) Rs. 60/5/100/E.B.-10/170/E.B.-10/250 and

(ii) Rs. 54/4/90/E.B.-130/E.B.-5/450 to

Rs. 70/5/110/E.B.-10/180/E.B.-10/250 with effect from 1/7/1944.

2. Mr. Daflapurkar, a permanent Overseer in the Shedapur

Sholapur Dn. has represented that fixation of his pay in the revised scale has adversely affected his interests. He was appointed on 1/5/1943 on Rs. 70/- in the scale of Rs. 54/4/90/E.B.-4/130 etc. and drew his increment on 1/5/1944 raising his salary to Rs. 74. On 1/7/1944 his pay was fixed at Rs. 70/- + Rs. 4 personal pay (to be merged in the next increment) under B.C. S.R. 44(a); but, as Mr. D. states he was not given the option to retain his pay in the old scale as envisaged in that rule. On 1/5/1945 he got increment in the new scale raising his salary to Rs. 75/- whereas on this date he would have got the second increment in the old scale raising his salary to Rs. 78. Please see statement on page 27 ante which shows that Mr.D. is a loser till 1/5/1948 when his pay will be Rs.90 , a state in both the old and new scales. Had Mr.D. been given option to retain his pay in the old scale he would not be aloser. The option was, however, not given to him Mr. D. cannot be expected to know B.C.S.Rs. Copies of the B.C.S.Rs. were also out of stock for the last 3 or 4 years. In the circumstances is it possible to allow Mr. D. to exercise his option even now and to draw his pay in the old scale till 1/5/1948 as a special case. A

3. Please see statement II on page 28 ante which shows that Messrs. Bhagwat and Bhalerao, two other Overseers junior to Mr. Daflapurkar, drew their increments in the new scale on 1/10/1944 and 1/3/1945 respectively raising their salaries to Rs. 75. Consequently they are in receipt of a salary higher than that of Mr. D. Even if Mr. D. is allowed to exercise his option as stated at "A" above, this anomally --

anomaly cannot be removed permanently as will be seen from the following table:

Pay drawn by Mr. Daflapurkar.	On	Pay drawn by Mr. Bhagwant.	On
Rs.		Rs.	
70	1/5/1943	70	1/10/1943
74	1/5/1944	75	1/10/1944
78	1/5/1945	80	1/10/1945
82	1/5/1946	85	1/10/1946
86	1/5/1947	90	1/10/1947
90	1/5/1948	95	1/10/1948
95	1/5/1949	95	

4. The above table shows that the pay of Mr. Bhagwat, who is junior to Mr. Daflapurkar will be Rs.90 p.m. 1/10/1947 while Mr. D. will be getting Rs. 90 only from 1/5/1948. Thus Mr. Bhagwat will be in receipt of a higher pay, his subsequent increments falling due earlier than those of Mr. Daflapurkar. Similarly Mr. Bhalerao also will be in receipt of a salary higher than that of Mr. Daflapurkar with effect from 1/3/1948. And this will go on throughout the period of their service.

6. It may be stated here that Mr. D. will not lose his seniority merely on account of the fact that his juniors draw a higher salary. But there does not seem to be any provision under the existing rules by which such appearent anomalies in the matter of pay can be remedied. Mr. D. may be allowed to exercise the option to retain the old scale of pay upto 1/5/1948 Messrs. B. and B. may continue to draw pays as already fixed.

6. These papers may be referred u.o. to the A.G. for favour of remarks, if any, in the first instance.

Id/- 22/8/47.

Mr. D. may be allowed to retain the old scale of pay upto 1/5/48.

As regards D.S. P.W.D.'s suggestion, though it will work in this particular case, it will not always solve the difficulty, for instance if for two consecutive states in the old scale there is the same next below stage in the revised scale.

The proper remedy would be to advance the date of increment of the senior man so that he does not draw less pay than his junior. The principle that advance increments can be granted in such case has been recognize in the Government of India's order below F.R.27 .

The anomally arises in the case of overseers whose pay on 1/7/44 was such that the next below stage in the revised scale is also a stage in the old stage, that is those where pay was 74, 94, 124, 135 or 145. It aims because the man loses the advantage of one years service in the long run, draws the same pay as the man who has joined exactly one year letter while he draws less pay than those who joined less than 12 months letter but whose pay on 1/7 was at the next below stage. Thus Mr. D is altimately given the same pay as it he had joined on 1/5/45 (instead of on 1/5/43) while he draws less than his juniors to join after 1/7/43 but before 1/5/45.

It Mr.D instead of joining on 1/5/43 had joined service a bit letter on 2/7/43, he would have drawn a pay of Rs. 75 in the revised scale this effect from 2/7/44,

and —

and it would be reasonable to allow him this pay.

This pays may be ~~xxxfixxxx~~ refixed as follows:-

Pay on 1/7/44 in old scale.	74	94	124	135	145
Pay in revised scale on 1/7/44	75	95	120	140	150
Pay on 1/7/47	90	110	130	170	180

This solution will remove all anamolies regarding pay and ~~security~~ seniority -and would be requitable. Back arrears of pay however need not be allowd and pays would be refixed on this basis with effect from 1/7/49.

P.W.D. may in the first instance be requested to consider this .

Id/-
26/8

U.O.R. to P.W.D. dt. the 26/8/47 .

6717/36(1)
40226

E.B.(I.) P.W.D.

This case has been fully noted upon at PP. 27/36 ante. The particular case of Mr. P.D. Daflapurkar, permanent Overseers, may be disposed of according to the rules as they stand, by allowing him under B.C.S.R. 44(a) the option of remaining on the previous S.S.E. pay-scale, which is slightly more advantageous to him. The necessary draft letter is put up for approval.

2. As regards the general question of solving the anomally by amending the rules, the F.D. may consider it further by taking the necessary copies from these papers. The solution will apply to all services in connection with the general revision of pay scales which will be out shortly. The solution

solution xxxxxxxxxxxx cannot be applied in any particular case in advance of the amenment of the rules. This Department may agree to the solution suggested by the Dy.Secy., F.D.

3. The draft letter put up may issue after u.o.ref. to the F.D.

Id/-
8/12/47.

Id/-
2/12/47.

Id/- 11/12

U.O. to F.D, dated the 12/12/47.

.....

Finance Department(B)

Submitted with reference to the office note dated 22/8/1947 and Dy.Secy.'s note dated 26/8/1947 below it.

2. The proposal in para 1 of the P.W.D. note dated 11/12/1947 may be agreed to.

3. The annomaly referred to in para 2 of the P.W.D. note dated 11/12/1947 is that the practice of allowing the normal date of increment to remain unchanged when the pay scale of a post is revised and the incumbent's pay is fixed in the revised scale under B. C.S.R.44, sometimes leads to a junior man drawing more pay xxxxx than his senior. (The words junior and senior are used here solely with reference to pay drawn.) Such anomalies, it is understood have occurred in connection with the fixation of pay of Central Government servants in the revised scales recently prescribed by the Government of India according to the recommendations of the Central Pay Commission. Rule 10 of the Central Civil Services (Revision of pay) Rules, 1947, provides that the normal date of increment should remain unaltered. It appears to be

to be the intention of the Govt. of India that anomalies arising out of this rule should be dealt with on ad hoc lines as and when they arise. It is separately proposed to ascertain from the Government of India how they intend to deal with such cases. It has been held (in conection with the general revision proposals,) that it is not advisable to issue any general orders to cover such anomalies, pending receipt of more information from the Govt. of India.

4. The needs of the present case will be met by advancing Mr. D.'s date of increment to that of his junior and refixing his pay accordingly, as suggested in D.S.'s note dated the 26/8/1947. It appears, however, from portion ' B ' on Page 29 ante that there are several other cases of this kind. If so, the P.W.D. may be requested to deal with all the cases on the lines suggested by D.S. and to forward necessary proposals to this Department with a statement of the cost involved. This may be done independently of any solution that may be decided upon ~~tkmx~~ in connection with the general revision proposals. The P.W.D. may be advised to delete the last sentence in the draft letter at page 47.

Id/-
29/12

Id/-
29/12/47

Id/-
30/12

The position under the central Revision Rules is as stated "A" on the page preceding. I do not know whether the G. of I. will alter the position with a view to correct the so-called anomalies that have been mentioned. Ever seens the introduction of the F.R's the idea that an officer must necessarily get pay iqual to or higher than that of his junior has been deliberately discarded. Under the time scales rules each officer this is the pay which is appropriae ate to the facts of his service and seniority is not made to depend upon an officer's acual pay. One has only to think of, for instance, the rule under which leave without pay does not reckon as service for increment to realised that a senior cannot be guaranttee pay which is not less that of an officer below him. It is for this reason that I have on former occasion advised the P.W.D. to discrimate seniority from pay: seniority is now made to depend upon the date of appointment to a service or other administrative considerations such as comparative merits as on the date of appointment, it more than one officer is appointed at the same time. I know of a case in which, on promotion to a higher service, six officers were given seniority according to merit and the highest of them was allowed, under the ordinary rules rupees six hundred P.M. the lowest rupees 1050/- By permitting an officer in the couse of revision, to retain his date of increment he is given the full benefit of his service and that is consider sufficient justification from the tax payer's point of view for not giving the officers any further benefit based on the service of his junior. It is obviously wrong to--

subject the tax-payer to
to a heads-I-win-~~xxx~~ and-tails-you-lose policy. A way of avoiding the so called anamalies, which is not unfair to the tax ~~xxx~~payer would be to grant incrment as from the date of revision, but in that case most officers would complaint that they are using some service for ~~xxx~~ increment. It seems to me that in the present case it is ~~xxxxxxx~~ decidedly better to adhere to the former course,~~x~~ particularly as it is a question of revising an old order. I would advise the P.W.D. to change their method of fixing the seniority and to fall in with other Departments rather than mulch the tax payer.

have discussed
I here ~~xxxxxxx~~ the matter fully with D.S.and return the papers to him for such action as he may deem fit to take. D.S.(S). Id/- 2/1

The point I wanted to make was that as stated by D.S., P.W,D. there is an inherent defect in the wording of Rule 41(ii), which gives rise to anomalies of this short when a revised payescale is introduced.

To take a consecutive ~~xxxxxxxxxxxx~~ example, suppose 70, 72 and 74 are ~~xxxxx~~ three consecutive stages in the old scale whils @ 69 and 75 are the corresponding consecutive ~~xxxxxxxx~~ stages in the revised pay-scale, the date of introduction of the revised scale being denoted as D. Then if the person where pay is Rs. 70 has rendred at date D. 6 months service on that pay, he gets the credit of 6 months and reaches the pay of Rs. 75, 6 months after D. If he had rendred 10 months service on the pay of Rs. 70, he will reach Rs. 75 two months after D. ~~If he had rendred~~

~~10 months after D. If he had rendred 10months service on~~ 29 1.xx
~~the pay of Rs. 70, he will reach Rs. 75 two months after~~ one day after

If--

If he had rendred 11 months 29 days service on Rs. 70, he reaches Rs. 75 reaches Rs. 75 one day after D. It would follow from this that if a person has rendred 1 full year's service on Rs. 70, he should begin to draw Rs. 75 with effect from the date D. Thus in the case of persons drawing a pay of Rs. 72 or Rs. 74 at date D, the pay in the revised scale should be fixed at the next higher stage i.e. Rs.75 with effect from that date. Not to do so is unjust to the person concerned and gives rise to the anomalies of the nature, pointed out in this case. All the anomalies, I think, may be traced to this defect.

We are not concerned here with the relationship between seniority and pay. The position here simply is that on date D, of two persons A and B, A(who may or may not be senior to B) is drawing higher pay than B. Then merely because the pay-scale is revised he begins to draw less pay than B with effect from that date. If this happens then it is obviously due to a defect in the scheme of fixation of pay in the revised pay-scale which requires to be remedied and can be remedied as pointed out above.

This point may be considered when the question of amending rule 41 is considered. I agree with the P.W.D. note that the solution cannot be applied in the case of an individual or an individual service.

may be kept in F.D.
Id/- 16/1

The draft orders at p.49 post may be agreed to, but the last sentence may be deleted.

-Id/-
5/1

U.O.R. to P.W.D. dt. 14/1/1948.

P.W.D.

P.W.D.

Submitted with reference to the office note dated the 8/12/47.

2. The F.D. has agreed to the draft orders on the next page subject to the deletion of the last sentence. The seniority accordingly of Overseers is based on their pay and general orders on the subject have been issued in G.I.No. 7725/36 M(II), dated the 27/12/47, after full considerations of the question as will be seen from the notes underlying it. The draft letter on the next page may, therefore, issue without deleting the last sentence.

Id/-
4/2/48.

Since Govt. has issued orders re: fixation of seniority, deletion of the last sentence ~~xx~~ will serve no useful purpose, ~~as~~ it conveys and bare statement of fact.

Id/-
4/2/48.

6717/36(1)
2479

Letter.

No. 6717/36(1)-M(II).

P.W.D.
B.C.5th Feb.1948.

To

The S.E.,E.C.

Subject: Pay and seniority of Mr. P.D. Daflapurkar, Overseer.

.....

Reference: Your endt. No.G.40/5032, dated the 12/9/47.

2. Mr. P.D. Daflapurkar, permanent Overseer in the Sholapur Dn., should be allowed the option of continuing on his previous pay-scale under Bombay Civil Services Rule 44(a) in accordance with para.1 of G.R. No. 6717/36, dated the 17/7/1944, sanctioning the revised pay-

pay-scale ---

pay-scale for the Subdte. Service of Engrs. His pay should be refixed accordingly and he should be paid the arrears of pay due to him. He should also be allowed the option of coming on to the revised pay-scale when he chooses under the rule quoted above. As regards the restoration of his seniority, the necessary general orders on the subject have been separately issued in G.I.No. 7726/36 E(II), dated the 27/12/47.

By order of the G. of B.

D.A.Nil.

Copy forwardd to-

the F.D.,

the S.E.,C.C.,with reference to his endt.No. G.40/5764, dated the 20/9/47,

the Ex.Engr., Sholapur Division,

the A.G., Bombay (through the F.D.).

Id/-
8/12/47.

Id/-
9/12/47

Id/-
11/12

P.K.M.

No. D/30 of 2949.
Office of the Suptng.Engr:S.G.C.
P.W.D.Surat, 11/4/1949.

To

The Secretary to Government,
Public Works Department,
Bombay.

Sub:- Conversion of Sub-Divisional first clerk's post into S.A.C's post in Meshwa Canal Sub-Division.

One post of a clerk in the grade of Rs. 92/8/140 in the Meshwa Canal Sub-Division, under the control of the Irrigation Project Division(north), Ahmedabad, was sanctioned vide G.L.,P.W.D.No. 6717/36(I)-E(I), dated 29/12-48, in addition to the lower grade posts.

2/- The Meshwa Canal Project work is now in full swing and as such the Sub-Divisional Officer, who was formerly a Imprest Holder, has now been given regular Drawing accounts. Due to heavy increase in the accounts work in the Sub-Division, a post of Senior Accounts clerk, instead of a clerk in the grade of Rs. 92/8/140, is, therefore, absolutely necessary to cope with the increased work. I, therefore, request you kindly to move Government to convert the post of Senior clerk into Senior Accounts Clerk in the Sub-Division.

Sd/-
11/4
Superintending Engineer,
South Gujarat Circle,Surat.

6717/36(I)
24290

E.B.(II). P.W.D.

The proposal made by the S.E.,S.G.C., is self-explanatary. The scale of a Snr.Accounts clerk is Rs. 100 / 8/140/10/150 and the post is allowed in the Sub-Dn. if it can be deemed to be a heavy one.

2. The S.E's request may be granted after U.O.R. to F.D.

Id/-
24/4/49.

Yes.
22/4/49.

U,O. to F.D. dt. 26/4/49.

F.D.
B

Please see letter from the S.E. South Gujarat Circles, Surat, at page 3 into correspondence section. If the accounts work has increased, it is not understood, how mere conversion of the post of clerk, into that of Snr.Accounts Clerk, will solve the problem. In that case, ~~xhxxxxx~~ there is a case for sanctioning addl. staff for the work. The P.W.D. proposal may not therefore be ~~aneffected~~ accepted

Id/-
28/4/49.

The P.W.D. proposal is accepted.

Id/-
29/4

U.O.R. to P.W.D. dt. the 30/4/49.

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letter. P.W.D.
B.C. 5th May 1949.

No.6717/36(I)-E(II).

To

The S.E.,S.G.C.

Sub:- Conversion of the Sub-Divl. first clerks post into S.A.C's put in the Meshwa Canal Sub Dn.

Refr- Reference your letter No. D/30, dated the 11/4/49.

2. Sanction is accorded to the conversion of the tempy. sub-Divl. clerks put in the scale of Rs. 92/8/140 created in G.I.No.6717/36(I)-E(I), dated the 29/12/48 for ~~Mxxxx~~ Meshwa Canal Sub-Division into a post in the scale of Rs. 80/8/140/10/150.

By order of the G. of B.

D.A.Nil.

Copy to the F.D.
The A.G.Bombay (through the F.D.) for information.

Id/-
3/5/49.

Id/-
3/5/49.

14/6/56.

P.K.M.